3738

Docket No. HRT-0281 #6

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : S. Boyd et al.

Serial No. : 09/982,503 Art Unit: 3738

Filed : October 19, 2001 Examiner:

For : Devices and Methods for Port-Access Multivessel Coronary ARtery Bypass Surgery

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, Washington, D.C. 20231 on

July 19, 2002
(Date of Deposit)

Brian S. Tomko
(Name of applicant, assignee, or Registered Representative)

(Signature)

July 19, 2002
(Date of Signature)

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this

information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of $180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final

Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

☐ Statement in Accordance with §1.97(e) (attached); or

☐ Please charge Deposit Account No. 10-0750/ / the fee of $180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of $180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☒ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of references listed on the attached Form PTO-1449 were previously cited by or submitted

to the Patent and Trademark Office in prior application Serial No. 09/487,024, filed 1/19/00, which is a continuation-in-part of application Serial No. 08/281,891, filed 7/28/94, now issued as U.S. Patent No. 5,735,290, which is a continuation-in-part of application Serial No. 08/023,778, filed 2/22/93, now issued as U.S. Patent No. 5,452,733.

☒ There are no listed references which are not in the English language.

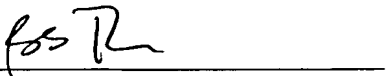
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT-0281/BST. This form is submitted in triplicate.

Respectfully submitted,



Brian S. Tomko
Reg. No. 41,349
Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(732) 524-1239
DATED: July 19, 2002

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	09/982,503
Filing Date	October 19, 2001
First Named Inventor	S. Boyd et al.
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	HRT-0281

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.[1]	U.S. Patent Document Number	Kind Code[2] (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		4,531,935		Berryessa	7/85	
		4,531,936		Gordon	7/85	
		4,568,330		Kujawski et al.	2/86	
		4,610,661		Possis et al.	9/86	
		4,637,377		Loop	1/20/87	
		4,643,190		Heimburger	2/87	
		4,644,651		Jacobsen	2/87	
		4,660,558		Kees, Jr.	4/87	
		4,681,107		Kees, Jr.	7/87	
		4,706,668		Backer	11/87	
		4,760,848		Hasson	8/88	
		4,777,949		Perlin	10/88	
		4,932,955		Merz et al.	6/90	
		4,955,887		Zim	9/90	
		4,961,743		Kees, Jr. et al.	10/90	
		4,973,321		Nichelson	11/90	
		4,974,951		Sander et al.	12/90	
		4,981,471		Quinn et al.	1/91	
		4,997,419		Lakatos et al.	3/91	
		4,998,810		Sander et al.	3/91	
		5,011,469		Buckberg et al.	4/91	
		5,013,296		Buckberg et al.	5/91	
		5,024,668		Peters et al.	6/91	
		5,059,202		Liang et al.	10/91	
		5,074,867		Wilk	12/91	
		5,074,870		Von Zeppelin	12/91	
		5,104,393		Isner et al.	4/92	
		5,108,412		Krumeich et al.	4/28/92	
		5,109,859		Jenkins	5/92	
		5,112,308		Olsen et al.	5/92	
		5,119,983		Green et al.	6/92	
		5,131,905		Grooters	7/21/92	
		5,133,735		Slater et al.	7/92	

		5,152,780		Honkanen et al.	10/92	
		5,158,543		Lazarus	10/92	
		5,167,628		Boyles	12/92	
		5,169,387		Kronner	12/92	
		5,171,256		Smith et al.	12/92	
		5,173,803		Heller	12/92	
		5,174,300		Bales et al.	12/92	
		5,176,649		Wakahayashi	1/93	
		5,188,619		Myers	2/93	
		5,192,298		Smith et al.	3/93	
		5,201,742		Hasson	4/93	
		5,203,776		Durfee	4/93	
		5,131,905		Grooters	7/21/92	
		5,133,735		Slater et al.	7/92	
		5,152,780		Honkanen et al.	10/92	
		5,158,543		Lazarus	10/92	
		5,167,628		Boyles	12/92	
		5,169,387		Kronner	12/92	
		5,171,256		Smith et al.	12/92	
		5,173,803		Heller	12/92	
		5,174,300		Bales et al.	12/92	
		5,176,649		Wakahayashi	1/93	
		5,188,619		Myers	2/93	
		5,192,298		Smith et al.	3/93	
		5,201,742		Hasson	4/93	
		5,203,776		Durfee	4/93	
		5,213,093		Swindle	5/93	
		5,219,357		Honkanen et al.	6/93	
		5,221,281		Klicek	6/93	
		5,224,931		Kumar	7/93	
		5,234,453		Smith et al.	8/93	
		5,242,456		Nash et al.	9/93	
		5,250,038		Melker et al.	10/93	
		5,271,592		Ludwig	12/93	
		5,282,085		Wolkert et al.	1/94	
		5,292,817		Hoogeboom et al.	2/94	
		5,295,477		Janfaza	3/94	
		5,304,183		Grourlay et al.	4/94	
		5,308,320		Safar et al.	5/94	
		5,308,357		Lichtman	5/94	
		5,312,344		Grinfeld et al.	5/94	
		5,313,934		Wilta et al.	5/94	
		5,321,447		Sander et al.	6/94	

		5,324,447		Kaster et al.	6/94	
		5,330,498		Hill	7/94	
		5,339,800		Wilta et al.	8/94	
		5,368,600		Faila et al.	11/94	
		5,370,658		Scheller et al.	1294	
		5,386,817		Jones	2/95	
		5,402,771		Pilling	4/95	
		5,425,705		Evard et al.	6/95	
		5,433,700		Peters	7/95	
		5,451,207		Yock	9/95	
		5,452,733		Sterman et al.	9/95	
		5,467,762		Sauer et al.	11/95	
		5,501,698		Roth et al.	3/96	
		5,509,890		Kazama	4/23/96	
		5,569,274		Rapacki et al.	10/96	
		5,571,215		Sterman et al.	11/96	
		5,571,074		Buckman, Jr. et al.	11/5/96	
		5,588,949		Taylor et al.	12/96	
		5,695,504		Gifford III et al.	12/97	
		5,735,290		Sterman et al.	7/98	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.[1]	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T[6]
		Office[3]	Number[4]	KindCode[5]				
		CA	2,171,097	A1	Evard	03-30-1995		
		UK	2 140 695	A	Hengstberger et al.	12/5/84		
		UK	2 255 651			11/92		
		AT	78668			9/17		
		DE	2889924	A5		5/91		
		EP	0 218 275			4/87		
		EP	0 357 338			7/90		
		EP	0 668 058	A1	Novoste Corp.	8/23/95		
		WO	92/21298			12/92		
		WO	93/09721			5/93		
		WO	93/18712			9/93		
		WO	93/20741			10/93		
		WO	95/08364		Stanford Surgical Technologies, Inc.	3/30/95		

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.

DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/08A (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 1

Application Number	09/982,503
Filing Date	October 19, 2001
First Named Inventor	Stephen W. Boyd
Group Art Unit	3738
Examiner Name	
Attorney Docket Number	HRT-0281

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS

Examiner's Initials*	Cite No.[1]	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T[2]
		File History of Reexamination No. 90/005,995 for U.S. Patent No. 5,927,284 as of 7/3/01	
		File History of Reexamination No. 90/005,994 for U.S. Patent No. 5,836,311 as of 7/10/01	
		Product Brochure-Buhler-ErgonoMIC--System, GmbH, Mehlbeerenstrasse 2, D-8028 Taufkirchen, Germany.	
		Product Brochure-Suturing, Columbia Prebyterian Hospital, N.Y. New York, and Motreal Medical Center, Tuucker, Georgia.	
		Product Brochure-Szabo-Beroi Needle Driver Set, Storz, Karl Storz Endoscopy, Apr. 1993.	
		Product Brochure-"The ultimate" laparoscopic Needle Holder, WJ Medical.	
		Product Brochure-The Surgical Armamentarium, V. Mueller, Baxter, 1988.	
		Acufex Rotary Graspers, Acufex Microsurgical, Inc., Catalog, 1982.	
		Product Brochure-Dekalb Laparoscopic Instruments, Endotec, Endoscopic Technologies, Inc.	
		Product Brochure-Surgical Instruments, STILLE.RTM., 1993.	
		Product Brochure, Hermann Dausch--Fabrik Chirurgischer Instrumente, Bahnhofstrasse 76, D-7200 Tuttlingen, Germany.	
		Androsov, P.I. "New Method of Surgical Treatment of Blood Vessel Lesions", Arch Surg. 73:902-910 (1956).	
		Anstadt et al., "Direct Mechanical Ventricular Actuation for Cardiac Arrest in Humans, A Clinical Feasibility Trial", The Cardiopulmonary Journal, Vol. 100, July-Dec, 1991, pp.86-92	
		Berggren et al. "Clinical Experience with the Unilink/3M Precise Microvascular Anastomotic Device" Scand J Plast Reconstr Hand Surg 27:35-39 (1993).	
		Buckberg, G.D, "Strategies and Logic of Cardioplegic Delivery To Prevent, Avoid, and Reverse Ischemic and Reperfusion Damage" J Thorac Cardio Vasc Surg , 1987, 93 ;127-129.	
		Conolly, John E., "Assisted Circulation" The Textbook of Surgery, the Biological Basis of Modern Surgical Practice, 10th edition, 1972, pp. 2114-2023	
		Cooper et al. "Development of the Surgical Stapler with Emphasis on Vascular Anastomosis" Transactions--The New York Academy of Sciences, 23:365-377 (1963).	
		Cosgrove, D.M. "Management of the Calcified Aorta: An alternative Method of Occlusion" Ann Thorac Surg. 36:718-719 (1983)	
		Crooke et al., "Biventricular Distribution of Cold Blood Cardioplegic Solution Administered by Different Retrograde Techniques" J Cardiac Thorac Surg., 1991, 102:4, 631-636.	
		DelRossi, A.J., et al., "A New Retractor to Aid in Coronary Artery Surgery", Annals of Thoracic Surgery, Vol. 36, No. 1, July 1983, pp101-102	
		Erath, Jr. and Stoney, Jr. "Balloon Catheter Occlusion of the Ascending Aorta" Ann Thorac Surg. 35:560-561 (1983).	
		J.H. Foster and J.B. Threlkel "Proximal Control of Aorta with a Balloon Catheter" Surg, Gynecology & Obstetrics pp. 693-694 (1971).	
		Gentili et al. "A Technique for Rapid Non-Suture Vascular Anastomosis" Can J Neurol Sci 14:92-95 (1987).	
		Goetz et al. "Internal Mammary-Coronary Artery Anastomosis--A Nonsuture Method Employing Tantalum Rings". Thorac Cardiac Surg 41:378-386 (1961).	
		Gottlob et al. "Anastomoses of small arteries and veins by means of bushings and adhesive" J. Cardiac Surg 9:337-341 (1968).	
		Gundry et al., "A Comparison of Retrogade Cardioplegia Versus Antegrade Cardioplegia in the Presence of Coronary Artery Obstruction" Ann Thorac Surg, Aug. 1984, 38:2, 124-127.	
		Guyton et al. "A Mechanical Device for Sutureless Aorta-Saphenous Vein Anastomosis" Ann Thorac Surg 28:342-345 (1979).	
		Hoerenz, Peter. "The Operating Microscope: I. Optical Principles, Illumination Systems, and Support Systems", Journal of Microsurgery. Mar./Apr. 1980. 1:364-369.	
		Hoerenz, Peter. "The Operating Microscope: II. Individual Parts, Handling, Assembling, Focusing, and Balancing", Journal of Microsurgery. May/Jun. 1980. 1:419-427.	
		Hoerenz, Peter, "The Operating Microscope: III. Accessories", Journal of Microsurgery. Sep. 1980. 2:22-26.	
		Hoerenz, Peter. "The Operator Microscope: IV. Documentation", Journal of Microsurgery. Dec. 1980. 2:126-139.	
		Hoerenz, Peter. "The Operating Microscope: V. Maintenance and Cleaning", Journal of Microsurgery. Mar. 1981. 2:179-182.	
		Holt et al. "A New Technique for End-To-End Anastomosis of Small Arteries" Surg. Forum 11:242 (1960).	
		Inokuchi, K. "A New Type of Vessel-Suturing Apparatus" Arch Surg. 77:954-957 (1958).	
		Inokuchi, K. "Stapling Device for End-to-Side Anastomosis of Blood Vessel" Arch. Surg. 82:337-341 (1961).	
		Ishizaka, "Myocardial Protection by Retrograde Cardiac Perfusion with Cold Medified Krebs Solution Through Coronary Sinus During Complete Ishemic Arrest for 120 min." J Jpn Assn Thorac Surg, 1977, 25:12,1592-1601.	
		Kolessov V.I., The Surgery of Coronary Arteries of the Heart, Leningrad, Meditsina, 1977, pp 360 (Russian Article)	
		Kolessov V.I., The Surgery of Coronary Arteries of the Heart, Leningrad, Meditsina, 1977, pp 360 (English Translation)	
		Landreneau et al. (1992) Ann. Thorac. Surg. 54:800-807.	
		Lanzetta et al. "Long-term Results of 1 millimeter Arterial Anastomisis Using the 3M Precise Microvascular Anastomotic System" Microsurg 13:313-320 (1992).	
		Li et al. "End-To-Side Anastomosis in the Dog Using the 3M Precise Microvascular Anastomotic System: A Comparative Study" J. Reconstr Microsurg 7(4):345-350 (1991).	
		Lust et al., "Improved Protection of Chronically Inflow-Limited Myocardium with Retrograde Coronary Sinus Cardioplegia" Circulation III, Nov. 1988, 78:5, 217-223.	
		Mack et al. "Present Role of Thorcoscopy in the Diagnosis and Treatment of Disease of the Chest", Ann Thorac Surg 54:403-9 (1992).	

		Maisch & Drude, "Pericardioscopy – A New Diagnostic Tool in Inflammatory Diseases of the Pericardium", European Heart Journal, (1991)12(Supp. D), pp. 2-6	
		Meditech.RTM., Instructions for Use, Occlusion Balloon Catheters Rev. Mar. 1991, pp. 1-7.	
		Miller, T.R. "The Russian Stapling Device" Transactions--The New York Academy of Sciences 25:378-381 (1963).	
		Miltex M. Surgical Instruments "Thoracic and Cardiovascular Instruments," Miltex Instrument Co., Inc. 1986, p. 319	
		Nakayama et al. "A simple new apparatus for small vessel anastomosis (free autograft of the sigmoid included)" Surgery 52(6):918-931 (1962).	
		Narter et al. "An Experimental Method for Nonsuture Anastomosis of the Aorta" Surg. Gyn. Obstet 119:362-364 (1964).	
		Ogawa, K., "Aortic Arch Reconstruction Withour Aortic Cross-Clamping Using Separate Extracorporeal Circulation" J Jpn Assn Thorac Surg, 1993, pp. 2185-2190.	
		Olearchyk, A.S. "Vasilii I. Kolesov--A pioneer of coronary revascularization by internal mammary-coronary artery grafting" J. Thorac Cardiovasc Surg 96:13-18 (1988).	
		Peters, W.S., "The Promise of Cardioscopic Surgery" AustralAs J Cardiac Thorac Surg, 1993, 2:3:152-154.	
		Pilling surgical Instruments "Aortic Claims" 1993 pp. 348-351.	
		Ragnarsson et al. "Microvenous End-To-Side Anastomosis: An Experimental Study Comparing the Unilink System and Sutures" J Reconstr Microsurg 5(3):217-224 (1989).	
		Ragnarsson et al. "Arterial End-to-Side Anastomosis with the Unilink System" Ann Plastic Surg 22(5):405-415 (1989).	
		Razi, D.M., "The Challenge of Calcific Aortitis" J Cardiac Thorac Surg., 1993, 8:102-107.	
		Rohman et al. Chapter IX--Cardiovascular Technique "Double Coronary Artery-Internal Mammary Artery Anastomoses, Tantalum Ring Technique" Surg. Forum 11:236 (1960).	
		Sabiston, D.C., Textbook of Surgery, 10th Ed., 1972, pp. 2021-2023,2114-2121.	
		Sakaguchi, H. et al., "Aortic Valve Replacement and Coronary Artery Bypass" J. Japanese Assoc. for Thoracic Surgery 41(6):1063-1068 (1993).	
		Takahashi, M., "Retrograde Coronary Sinus Perfusion for Myocardial Protection in Aortic Valve Surgery" J Jpn Assn Thorac Surg, 1982, 30:3, 306-318.	
		Vogelfanger et al., "A Concept of Automation in Vascular Surgery: A Preliminary Report on a Mechanical Instrument for Arterial Anastomosis" Can. J. of Surg 1:262-265 (1958).	
		Yamaguchi, A., "A Case of a Reoperation Using a Balloon Catheter with Blocked Pars Ascendes Aortae" Kyobu Geka, Oct. 1991, 42:11: 961-964.	

Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Unique citation designation number. 2 Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231.
DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.